

R.C.C. No. 1145/2025
Mohammad Wasim Munshi ..Vs.. P.S.
Wardha(City)
[CNR : MHWR030101082025]

ORDER BELOW EXH.5

This is an application filed u/s 497 of BNSS for grant of interim custody of Vivo Y28S4(128 GB) (IMEI No. 866436076390234) and Oppo RENO 8(T)5G8(128GB), (IMEI No. 867426065708355) mobiles seized in Crime No.1325/2025, in connection with the offence punishable u/s 318(4), 351(3) of B.N.S registered at Police Station Wardha (City), Wardha .

2. As per the applicant he is owner of the above said mobiles. It is required for his daily work and if the mobiles is kept lying in idle, it would cause damage. Hence he prayed for interim custody.

3. The learned APP has filed his say and raised objection that, if the mobiles is released it might be used in commission of crime again. He also submitted that, the mobile was seized from person Jafer Bali, therefore, his hearing is necessary for proper decision of application.

4. Perused the record. Applicant is the accused in the above matter. The applicant has produced a copy of two mobile bills, Adhar Card and FIR. On the basis of aforesaid documents it seems the applicant is the owner of mobiles. Thus, the applicant has established his claim to the extent of deciding this application. However, although the mobiles are seized by the

police they have not conducted any investigation in reference to this mobile phones. Therefore, the mobile phones are not required for further trial of this case. Hence, I found the mobiles can be released in favour applicant with imposing conditions. Hence, following order -

ORDER

1. Application is allowed.
2. Seized Vivo Y28S4(128 GB) (IMEI No. 866436076390234) and Oppo RENO 8(T)5G8(128GB), (IMEI No. 867426065708355), mobiles by Police Station, Wardha (city), be handed over to the applicant on executing Indemnity Bond of Rs.30,000/-(Thirty thousand Only) before this Court on following conditions.
 - a. The applicant shall not alienate or transfer or sell it to anybody till further order.
 - b. Applicant shall keep the mobiles in proper condition and shall not dispose it in any manner without permission of Court.
 - c. Applicant to produce above mobiles as and when directed by the Court.
3. The Investigating Officer is hereby directed to take photographs of the above said mobiles and draw detail panchnama while handing the custody of the property to the applicant.
4. The I.O shall file all these papers.
5. Letter be issued accordingly, Humdast granted.

Date: 19/06/2026
Wardha.

(V. K. Puri)
Judicial Magistrate, First Class,
[Court No.3] Wardha.